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second path having a second length, wherein the first path length is different from the second path length

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52. The stent of claim 50 wherein the first and second undulating band-like elements are characterized by different amplitudes. *Exhibit 1, 52*

54. A stent comprising:

55. a plurality of undulating band-like elements having alternating peaks and troughs, the plurality of undulating band-like elements including a first undulating band-like element, a second undulating band-like element and a third undulating band-like element, the first, second and third undulating band-like elements disposed sequentially along the length of the stent, and

a plurality of substantially linear interconnecting elements extending between undulating band-like elements which are adjacent one another, each interconnecting element having a first end and a second end which is offset circumferentially and longitudinally along the stent from the first end, the interconnecting elements shorter in length than the undulating band-like elements which they connect,

the plurality of interconnecting elements including first interconnecting elements extending between peaks on the first undulating band-like element and troughs on the second undulating band-like element and second interconnecting elements extending between peaks on the second undulating band-like element and troughs on the third undulating band-like element, first interconnecting elements which are adjacent one another connected to each other via a first path along the first undulating band-like element, second interconnecting elements which are adjacent one another connected to each other via a second path along the second undulating band-like element, the second path having a second length, wherein the first path length is different from the second path length.

Exhibit 1, 54

REMARKS

This Amendment is submitted in response to the Final Office Action dated November 29, 2001. In the Final Office Action, claims 46-49 were allowed, claims 40-45, 51 and 55 were objected to and claims 39, 50, 52-54 and 56-58 were rejected.

The paragraph headings below correspond to those of the Final Office Action.

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35 USC 102

Claims 39, 50, 52-54 and 56-58 are rejected under 35 USC 102(b) in light of DE 291,088,79 (Jomed).

Applicant has amended claims 39, 50 and 54 without prejudice or disclaimer, as discussed below, to recite that the interconnecting elements are substantially linear. This feature is not disclosed in Jomed. As such, claims 39, 50 and 54 are patentable over the prior art.

Claims 52 and 53 dependent from claim 50 are similarly patentable over Jomed. Claims 56-58 dependent from claim 54 are similarly patentable over Jomed.

Applicant reserves the right to prosecute broader claims at a later date.

ALLOWABLE SUBJECT MATTER

Claims 40-45, 51 and 55 are objected to as depending upon a rejected base claim but have been found to contain allowable subject matter.

Applicant has amended claim 39 to include therein the limitation that the interconnecting elements are substantially linear. This claim is allowable for the same reasons that dependent claim 42 was found to contain allowable subject matter. Claim 42 has been canceled.

Claim 40 has been rewritten in independent form including all of the limitations of claim 39 from which it depended.

Claims 43 and 44 have been amended to recite that the interconnecting elements are substantially linear and are believed to remain allowable.

Claim 50 has been amended to recite that the interconnecting elements are substantially linear and is allowable for the same reason that claim 51 was allowable. Claim 51 has been canceled.

Claim 52 has been amended to depend from claim 50 rather than from cancelled claim 51 and is believed to remain allowable.

Claim 54 has been amended to recite that the interconnecting elements are substantially linear and is allowable for the same reason that claim 55 was allowable. Claim 55 has been canceled.

Claims 56-58 are believed to remain allowable.

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Applicant gratefully acknowledges the allowance of claims 46-49.

FORMALITIES

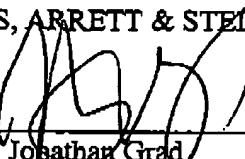
To the extent that a petition for extension of time is necessary and hasn't otherwise been filed, Applicant hereby requests a three month extension of time in which to reply to the Final Office Action. Furthermore, if payment for such a petition has not otherwise been provided for, Applicant authorizes the USPTO to withdraw the petition fee from deposit account number 22-0350.

CONCLUSION

Withdrawal of the pending rejection is respectfully requested. It is believed that the present application is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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Marked-up Claims

Please cancel claims 42, 51 and 55 without prejudice or disclaimer.

Please amend claims 39-40, 43, 44, 50, 52 and 54 as follows:

39. (Twice Amended) A stent with a proximal end, a distal end and a longitudinal axis, the stent comprising:

a plurality of undulating band-like elements having alternating peaks and troughs, each undulating band-like element extending about the longitudinal axis, the plurality of undulating band-like elements extending from the proximal end of the stent to the distal end of the stent, adjacent undulating band-like elements separated by gaps which are shorter in longitudinal length than the undulating band-like elements,

the plurality of undulating band-like elements including a first undulating band-like element, a second undulating band-like element and a third undulating band-like element, the second undulating band-like element disposed between the first and third undulating band-like elements, and

a plurality of substantially linear interconnecting elements extending between undulating band-like elements which are adjacent one another, each interconnecting element having a first end and a second end which is offset circumferentially and longitudinally along the stent from the first end

the plurality of interconnecting elements including first interconnecting elements and second interconnecting elements,

the first interconnecting elements extending between peaks on the first undulating band-like element and troughs on the second undulating band-like element, the number of peaks on the first undulating band-like element exceeding the number of first interconnecting elements, the second interconnecting elements extending between peaks on the second undulating band-like element and troughs on the third undulating band-like element, the number of peaks on the second undulating band-like element exceeding the number of second interconnecting elements,

wherein the number of peaks of the first undulating band-like element separating circumferentially adjacent first interconnecting elements is less than the number of peaks of the second undulating band-like element separating circumferentially adjacent second interconnecting elements.

40. (Twice Amended) [The stent of claim 39.] A stent with a proximal end, a distal end and a longitudinal axis, the stent comprising:

a plurality of undulating band-like elements having alternating peaks and troughs, each undulating band-like element extending about the longitudinal axis, the plurality of undulating band-like elements extending from the proximal end of the stent to the distal end of the stent, adjacent undulating band-like elements separated by gaps which are shorter in longitudinal length than the undulating band-like elements,

the plurality of undulating band-like elements including a first undulating band-like element, a second undulating band-like element, a third undulating band-like element, and [the plurality of undulating band-like elements further comprising] a fourth band-like element [having alternating peaks and troughs], the second undulating band-like element disposed between the first and third undulating band-like elements, the third undulating band-like element disposed between the second and fourth undulating band-like elements, and

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Marked-up Claims

a plurality of interconnecting elements extending between undulating band-like elements which are adjacent one another, each interconnecting element having a first end and a second end which is offset circumferentially and longitudinally along the stent from the first end.

the plurality of interconnecting elements including first interconnecting elements, second interconnecting elements, and [the plurality of interconnecting elements further comprising] third interconnecting elements,

the first interconnecting elements extending between peaks on the first undulating band-like element and troughs on the second undulating band-like element, the number of peaks on the first undulating band-like element exceeding the number of first interconnecting elements, the second interconnecting elements extending between peaks on the second undulating band-like element and troughs on the third undulating band-like element, the number of peaks on the second undulating band-like element exceeding the number of second interconnecting elements, the third interconnecting elements extending between peaks on the third undulating band-like element and troughs on the fourth undulating band-like element,

the number of peaks of the first undulating band-like element separating circumferentially adjacent first interconnecting elements being less than the number of peaks of the second undulating band-like element separating circumferentially adjacent second interconnecting elements

wherein each second interconnecting element is separated from the third interconnecting element nearest to it by a single peak of the third undulating band-like element and a single trough of the third undulating band-like element.

43. (Amended) The stent of claim 40 where the interconnecting elements are substantially linear.

44. (Amended) The stent of claim 41 where the interconnecting elements are substantially linear.

50. (Twice Amended) A stent with a longitudinal axis, the stent comprising:

a plurality of undulating band-like elements having alternating peaks and troughs, each undulating band-like element extending about the longitudinal axis, undulating band-like elements which are adjacent one another separated by a gap which is shorter in longitudinal length than each of the adjacent undulating band-like elements, the plurality of undulating band-like elements including a first undulating band-like element and a second undulating band-like element, the first and second undulating band-like elements adjacent one another, and

a plurality of substantially linear interconnecting elements extending between undulating band-like elements which are adjacent one another, each interconnecting element having a first end and a second end which is offset circumferentially and longitudinally along the stent from the first end, the plurality of interconnecting elements including first interconnecting elements, the first interconnecting elements extending between peaks on the first undulating band-like element and troughs on the second undulating band-like element, first interconnecting elements which are adjacent one another connected to each other via a first path along the undulating first band-like element, the first path having a first length, and via a second path along the undulating second band-like element, the second path having a second length, wherein the first path length is different from the second path length.

52. (Amended) The stent of claim [51] 50 wherein the first and second undulating band-like elements are characterized by different amplitudes.

54. (Amended) A stent comprising:

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Marked-up Claims.

a plurality of undulating band-like elements having alternating peaks and troughs, the plurality of undulating band-like elements including a first undulating band-like element, a second undulating band-like element and a third undulating band-like element, the first, second and third undulating band-like elements disposed sequentially along the length of the stent, and

a plurality of substantially linear interconnecting elements extending between undulating band-like elements which are adjacent one another, each interconnecting element having a first end and a second end which is offset circumferentially and longitudinally along the stent from the first end, the interconnecting elements shorter in length than the undulating band-like elements which they connect,

the plurality of interconnecting elements including first interconnecting elements extending between peaks on the first undulating band-like element and troughs on the second undulating band-like element and second interconnecting elements extending between peaks on the second undulating band-like element and troughs on the third undulating band-like element, first interconnecting elements which are adjacent one another connected to each other via a first path along the first undulating band-like element, second interconnecting elements which are adjacent one another connected to each other via a second path along the second undulating band-like element, the second path having a second length, wherein the first path length is different from the second path length.